



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,489	02/29/2000	Somnath Banik	BANIK 2-73	2128
27964	7590	01/05/2004	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	12

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,489

Applicant(s)

BANIK ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 8 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 8-9 and 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bremer et al. in view of Nash et al. (US Patent 4,512,013).

Regarding to claims 1-2, 8-9 and 15-16, Bremer et al. a cordless telephone (see col.14 lines 60-64) comprising:

A base station transceiver (465);

a silence detector, coupled to said base station transceiver, that identifies a pause in voice traffic that is to be transmitted over and generates an interjection signal during said pause (see col.7 lines 52-60);

data injector, coupled to said silence detector, that receives said interjection signal and responds by causing said transmitter to transmit data to said receiver (see col.7 lines 52-60).

Brember et al. fail to disclose "to be transmitted over voice channel".

Art Unit: 2684

Nash et al. disclose "to be transmitted over voice channel" (see col.2 lines 9-17). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bremer et al. with the above teaching of Nash et al. in order to provide simultaneous transmission of speech and data over an analog channel.

4. Claims 4-5, 11-12 and 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bremer et al., in view of Nash et al. and further in view of Martensson et al. (US Patent 6,349,212).

Regarding to claims 4, 11 and 17, the modified Bremer et al. fails to disclose said data comprises caller identification data.

Martensson et al. disclose data comprises caller identification data (col.5 lines 55-56). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Bremer et al. with the above teaching Martensson et al. in order to provide call management services such as call screening in conjunction with subscribers.

Regarding to claims 5, 12 and 18, the modified Bremer et al. fails to disclose said data comprises menu item selection data.

Martensson et al. disclose said data comprises menu item selection data (see col.6 lines 15-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Bremer et

Art Unit: 2684

al. with the above teaching of Martensson et al. in order provide menu format on the visual display.

5. Claims 6, 13 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bremer et al., in view of Nash et al. and further in view of Beesley et al. (US Patent 5,020,051).

Regarding to claims 6, 13 and 19, the modified Bremer et al. fails to disclose transmitter transmits said voice in frames.

Beesley et al. disclose said transmitter transmits said voice in frames (see col.9 lines 5-12). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Bremer with the above teaching of Beesley et al. in order to provide speech frames in burst mode duplex communication between portable unit and base unit.

6. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Bremer et al., in view of Nash et al. and further in view of Walley et al. (US Patent 6,301,287).

Regarding to claims 7, 14 and 20, the modified Bremer et al. fails to disclose comparing a peak energy of said voice traffic to a noise floor reference.

Walley et al. disclose comparing a peak energy of said voice traffic to a noise floor reference (see col.12 lines 5-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the

Art Unit: 2684

modified Bremer et al. with the above teaching of Walley et al. in order to estimate signal quality.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
December 4, 2003

NAY MAUNG
SUPERVISORY PATENT EXAMINER